

**IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION, AKRON**

IN THE MATTER OF:	)	CASE NO. 15-52933
	)	CHAPTER 7
JAMES RONALD BURNS	)	
	)	JUDGE ALAN M. KOSCHIK
	)	
	)	<u>JOINT MOTION TO</u>
	)	<u>COMPROMISE AND NOTICE</u>
<u>Debtor</u>	)	

Now comes Kathryn A. Belfance, the duly appointed Chapter 7 Trustee in the above-captioned bankruptcy case ("Trustee"), and the Debtor, James Ronald Burns ("Debtor") (collectively the "Parties"), by and through counsel, and hereby move this Court, pursuant to Federal Rule of Bankruptcy Procedure 9019 for an order authorizing a proposed compromise for the redemption of non-exempt equity in Debtor's 2008 Ford F-350. In support of this Motion, Trustee represents as follows:

1. This case was commenced with the filing of a voluntary petition by the Debtor on December 7, 2015, under Chapter 7 of Title 11 of the United States Code (the "Bankruptcy Code").
2. This Court has jurisdiction pursuant to 28 U.S.C. §1334 and the General Order of reference entered in this District on April 4, 2012. Venue in this case is proper pursuant to 28 U.S.C. §1408 and/or §1409 and this is a core proceeding pursuant to 28 U.S.C. §157(b)(2).
3. The Debtor listed in his schedules ownership of a 2008 Ford F-350 ("Vehicle") with a liquidation value of \$9,700.00 as of the date of the bankruptcy filing.
4. Debtor exempted \$3,250.00 in equity pursuant to O.R.C. 2329.66 (A)(2).
5. Trustee and Debtor believe the fair market value of the vehicle is approximately \$9,000.00.

6. Trustee and Debtor have agreed to settle the present matter by Debtor paying the sum of Four Thousand Five Hundred and 00/100 Dollars (\$4,500.00) to the Trustee as follows:

- A. Monthly payments in the amount of \$250.00, beginning November 15, 2016 and continuing until the balance has been paid in full.
- B. Debtor shall also apply his entire 2016 tax refund to any remaining balance. The Trustee further states that she does not claim an interest in any portion of the Debtor's tax refunds arising from the Additional Child Tax Credit or the Earned Income Tax Credit which is exempted under O.R.C. 2329.66(A)(9)(g). In the event the Trustee receives such exempt funds, it shall be forthwith remitted to the Debtor.

7. Trustee believes that this settlement is in the best interest of the estate and the compromise, as set forth above does not fall below the lowest level of reasonableness considering the uncertainty of the amount received at auction and the costs and fees associated with the sale.

8. Trustee believes that the proposed compromise is reasonable, fair and equitable and in the best interest of the estate and its creditors.

WHEREFORE, the Parties, respectfully request that this Court enter an Order approving the compromise and settlement outlined herein without a hearing, pursuant to Title 11 U.S.C. §102(1)(b)(i), unless a hearing is requested by a creditor or party in interest within twenty-one (21) days after notice hereof and for any other and further relief that this Court deems just and proper.

Respectfully submitted,

/s/ **KATHRYN A. BELFANCE**  
**KATHRYN A. BELFANCE (0018035)**  
50 S. Main Street, 10<sup>th</sup> Floor  
Akron, OH 44308  
Phone: 330-434-3000  
Fax: 330-434-9220  
Email: [kb@rlblp.com](mailto:kb@rlblp.com)  
**Chapter 7 Trustee**

Seen & Approved by,

/s/ EDMUND LEE WAGONER JR  
**EDMUND LEE WAGONER JR. (0037833)**  
2351 Becket Circle  
Stow, OH 44224  
(330) 322-1399, telephone  
Email: [elwagoner@yahoo.com](mailto:elwagoner@yahoo.com)  
***Attorney for Debtor***

**CERTIFICATE OF SERVICE**

I hereby certify that on this 16<sup>th</sup> day of November 2016, a true and correct copy of the foregoing Joint Motion for Authority to Compromise and Notice was served as follows:

Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

Office of the U.S. Trustee  
Edmund Lee Wagoner Jr., at [elwagoner@yahoo.com](mailto:elwagoner@yahoo.com)  
Edward A. Bailey, at [bknotice@reimerlaw.com](mailto:bknotice@reimerlaw.com)  
Kerri N. Bruckner, at [NOHBK@lsrlaw.com](mailto:NOHBK@lsrlaw.com)  
Frank Cimino, at [officef3@sbcglobal.net](mailto:officef3@sbcglobal.net)  
Robert A. Incorvati, at [Robert@IncorvatiLaw.com](mailto:Robert@IncorvatiLaw.com)  
Joseph E. Oliver, at [jeoco2@aol.com](mailto:jeoco2@aol.com)  
Kathryn A. Belfance, Trustee, at [kb@rlblp.com](mailto:kb@rlblp.com)

And by regular U.S. mail, postage prepaid, on:

James Ronald Burns, Debtor, 1573 Williamantic Drive, Virginia Beach, VA 23456  
And to all creditors listed on the creditor matrix

/s/ KATHRYN A. BELFANCE  
**KATHRYN A. BELFANCE**  
Registration No. 0018035  
50 S. Main Street, 10<sup>th</sup> Floor  
Akron, Ohio 44308  
Tele: (330) 434-3000  
Fax: (330) 434-9220  
[kb@rlblp.com](mailto:kb@rlblp.com)  
*Chapter 7 Trustee*

## **NOTICE OF JOINT MOTION TO APPROVE COMPROMISE**

Kathryn A. Belfance, the Chapter 7 Trustee, and the Debtor, James R. Burns, have filed papers with the court to approve a compromise, a copy of which is attached.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

**Parties in interest shall take notice that any party wishing to object to said motion has twenty-one (21) days, or such other time fixed by the Federal Rules of Bankruptcy Procedure or statute or as the Court may order, after service is filed and serve a response or request for hearing. If no response or request for hearing is timely filed with the Court and served upon counsel for the movant, the Court may grant the relief requested in the motion without a hearing.**

If you do not want the court to approve the Motion without holding a hearing, or if you want the court to consider your views on the Motion, then on or before **December 7, 2016** you or your attorney must:

**File with the court a written objection or response to:**

**Clerk, United States Bankruptcy Court  
2 South Main St.  
Akron, Ohio 44308**

If you mail your Objection to the court for filing, you must mail it early enough so the Court will **receive** it on or before the date stated above.

**You must also mail a copy to:**

**Kathryn A. Belfance, Esq.  
Roderick Linton Belfance L.L.P.  
50 S. Main Street, 10<sup>th</sup> Floor  
Akron, Ohio 44308**

**If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief without holding a hearing.**

Date: November 16, 2016

Signature: /s/ Kathryn A. Belfance  
Name: Kathryn A. Belfance, Esq.